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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/487,593

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Shinya Matsuoka

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11/29/2006

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EXAMINER

DINH, KHANH Q

ART UNIT

PAPER NUMBER

2151

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/487,593

Applicant(s)

MATSUOKA, SHINYA

Examiner

Khanh Dinh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 26-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This is in response to the Remarks filed on 9/18/2006. Claims 26-45 are presented for examination.

### **Claim Rejections - 35 USC § 103**

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 26-37, 39-42, 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruno et al U.S. pat. No. 5,710,591 in view of Cohen et al, IEEE 1993, "Virtual gain for audio windows."

As to claims 26 and 29, Bruno discloses an audio conference server (ACS) method comprising:

receiving (MCU 26 fig. 1) audio data from source of audio client (see fig. 1 and col. 1 lines 2951). Bruno does not specifically disclose the attenuated mixer for audio data. However, Cohen discloses a mixing means for providing distance-based attenuation according to sound decay functions to stimulate a distance between a distance between

the source audio client and a target audio client (the distance-dependent gain parameter used in MAW (moving source/moving sink), see Cohen's section 1.2, distance dependent-gain and fig.3), delivering attenuated audio data to target or source audio client (transferring data to multiple audio resources, see page 85, section 0.1) and each audio client is assigned a selected decay function from a plurality of predefined functions (transferring data to multiple audio resources and letting listeners later parameters among teleconfererees using size and source dependent gains as functions, see pages 85-88). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize Cohen's attenuated data mixer in Bruno's audio conference server to control the volume of a sound source and a listener because it would have allowed multiple simultaneous audio sources to coexist in a modifiable display without user stress (see Cohen's section 0.1).

As to claim 27, Bruno discloses the target audio client is the same as the source audio client (see col.4 line 44 to col.5 line 40).

As to claim 28, Bruno discloses the target audio client is different than the source audio client (see col.5 line 33 to col.6 line 46).

As to claim 30, Bruno discloses the source and target audio clients are displayed as points on a viewing screen from which sound appears to emanate (see col.6 lines 1-46).

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As to claim 31, Bruno further discloses the source audio client comprises a point source audio (PSA) client that originates from stored audio data (see audio sources and the participants of the teleconference, see col.7 lines 27-64).

As to claim 32, Bruno discloses the PSA includes point sources of sound from a file or user input (see fig.2, col.6 line 47 to col.7 line 38).

As to claim 33, Bruno discloses the source audio client comprises a set-top box (STB) audio client that originates from an audio conferencing user (see col.7 lines 1-64).

As to claim 34, Bruno discloses the STB including a set-top application for controlling audio data from a microphone or speaker (see col.5 lines 8-67 and col.7 lines 27-64).

As to claim 35, Bruno discloses the target audio client comprises a set-top box (STB) audio client that originates from an audio conferencing user (see col.5 lines 8-67 and col.7 lines 27-64).

Claim 36 is rejected for the same reasons set forth in claim 34.

As to claim 37, Bruno discloses a plurality of audio clients participate in an audio conference (see col.14 line 44 to col.15 line 32).

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As to claims 39 and 40, Cohen further discloses attenuating comprises identifying a decay factor for each audio client and the decay factor is a customized decay factor (see Cohen's section 1.2 and fig.3). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize Cohen's attenuated data mixer in Bruno's audio conference server to control the volume of a sound source and a listener because it would have allowed multiple simultaneous audio sources to coexist in a modifiable display without user stress (see Cohen's section 0.1).

As to claims 41 and 42, Cohen further discloses determining a weighted value between the source audio client and the target audio client based on the source audio client's decay factor (see Cohen's section 1.2 and fig.3) and attenuating further comprising calculating a mix for the audio clients using the weighted values (i.e., calculating parameters, see Cohen's section 0.1). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize Cohen's attenuated data mixer in Bruno's audio conference server to control the volume of a sound source and a listener because it would have allowed multiple simultaneous audio sources to coexist in a modifiable display without user stress (see Cohen's section 0.1).

Claim 44 is rejected for the same reasons set forth in claim 26.

As to claim 45, Cohen further discloses the decay factor is a customized decay factor (see Cohen's section 1.2 and fig.3). It would have been obvious to one of ordinary skill

in the art at the time of the invention was made to utilize Cohen's attenuated data mixer in Bruno's audio conference server to control the volume of a sound source and a listener because it would have allowed multiple simultaneous audio sources to coexist in a modifiable display without user stress (see Cohen's section 0.1).

4. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bruno and Cohen as applied to claim 26 above, and further in view of Nelson et al., US pat. No.5,452,447.

Neither Bruno nor Cohen discloses using an Interface Definition Language (IDL) to delete, add participants. However, the use of IDL software is generally well known in the art as disclosed by Nelson (see col.6 lines 25-62). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement a well-known software such as IDL in the system of Bruno to add or delete participants in the ACS because it would have requested a creation of an object, to perform remote procedure calls in a client-server network environment (see col.6 lines 25-62).

5. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bruno and Cohen as applied to claim 26 above, and further in view of Everett US pat. No.5,864,816.

Bruno and Cohen's teachings still applied as in item 4 above. Neither Bruno nor Cohen discloses selecting one from the group consisting of: a fade in/fade out function, floating point operation, steam audio. However, Everett discloses selecting one from

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the group consisting of: a floating point operation elimination function (see 40 of fig.2) to avoid the performance of floating point multiplication (identifying scale factor functions to determine the excess of a predetermined threshold, see col.1.2 lines 30-63, col.4 lines 10-54) and a stream data function to prepare stream audio (MPEG streams) for playing ambient background music or using an audio source forwarded from another conference (see fig. 1, col.3 lines 20-65). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to Everett's teachings into Braun's audio system to facilitate the mixings of data streams because it would have facilitated the mixings of audio data in compressed forms.

### **Response to Arguments**

6. Applicant's arguments filed on 9/18/2006 have been fully considered but they are not persuasive.

- Applicant asserts that Cohen does not disclose "each audio client is assigned a selected decay function from a plurality of predefined functions".

*Examiner respectfully disagrees. Examiner respectfully point out that each audio client is assigned a selected decay function from a plurality of predefined functions (transferring data to multiple audio resources and letting clients (listeners) alter parameters among teleconferees using size and source dependent gains as functions, see pages 85-88). In this case, each client*



*(listener) is assigned a size and source dependent gain to be used as a function.*

*Therefore, Cohen discloses the Applicant's claimed invention.*

*As a result, cited prior art does disclose an audio conferencing method, as broadly claimed by the Applicants. Applicants clearly have still failed to identify specific claim limitations that would define a clearly patentable distinction over prior art.*

### **Conclusion**

7. Claims 26-45 are rejected.

**8. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

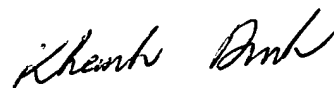
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-

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3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on (571) 272-3939. The fax phone number for this group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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